

February 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Method and apparatus for providing **advertising** linked
to a scene of a program

US File # **20020059590**

Filed: May 9, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has
NOT issued in the U.S. The US File # is **20020059590**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as a "computer system" presumably residing in a settop box connected to a television. Within this system, he builds and stores (0008) a database containing a plurality of advertisements dynamically retained at the client terminal and triggered by user content selections or interactions passively reactive to other resident programs (program guide) (Claim 4) The system is described in paragraphs (0008) (0010) and others.

The abstract reads in part, "On-demand electronic advertising information is provided for items used in scenes of television programs. The advertising information is received along with broadcasts of associated television programs. Selected advertisement modes alert a viewer when advertising information is available for an item displayed in a scene of the television program broadcast. The viewer alert comprises displayed marks superimposed over the broadcast of the television program."

Selecting a channel or show on television which is the equivalent to a URL into a browser locator window that makes a match with an advertising database maintained at the client system in the remotely controlled and updated database (0008) and in the event a match is made by comparing, an appropriate advertisement is displayed (0010) or inserted into the video stream even superimposing over the existing TV display.

Relevant Claims are 3, 5, 8, 12, 26, 46 and others. Basing ad display upon program selection comparisons, demographics or time is no different than

selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet, both are electronic communication networks.

This is referred to as "pull" advertising as a voluntary action (channel or content selection) on the part of a user interacts with a pre-established client advertising database and a targeted ad is displayed.

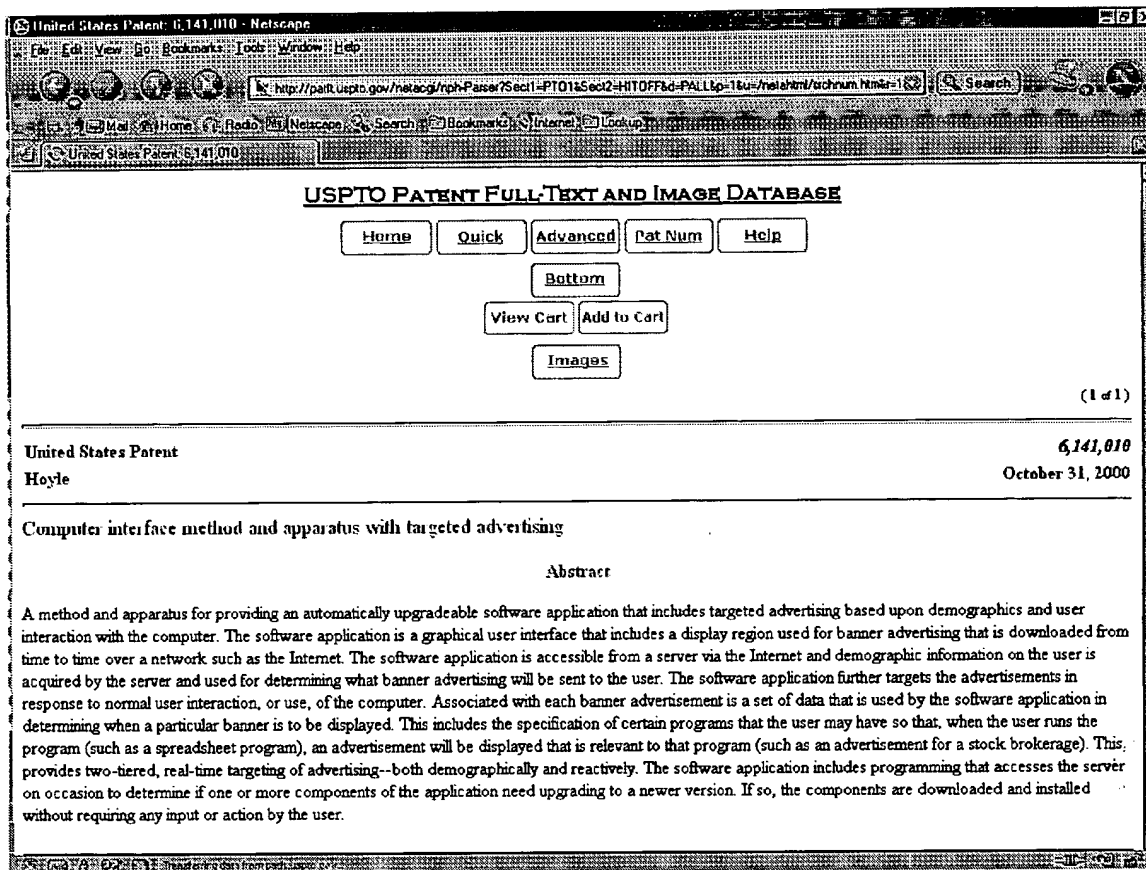
I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection or content is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following prior art references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 5/9/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

The screenshot shows a Netscape browser window displaying the Espacenet patent database. The address bar shows a URL from espacenet.com. The page title is "Telephone Call Management Software and Internet Marketing Method". The left sidebar contains navigation links like "Quick Search", "Advanced Search", "My patent list", and "Classification Search". The main content area displays bibliographic data for patent CA2528913, including the publication date (1999-10-29), inventor (ZETMEIR KARL D (US)), and applicant (ZETMEIR KARL D (US)). It also lists international and European classification numbers. A section titled "Abstract of CA2528913" describes a telephone call management computer program that provides call management features and long distance savings for telephone consumers and marketing services for sponsor companies. The abstract mentions that the call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



Claria - Corporate Overview - Overview - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.claria.com/companynfo/

Search

Mail Home Radio Netscape Search Bookmarks Internet Look up

Claria - Corporate Overview - Overview

CLARIA.

CORPORATE OVERVIEW

- CORPORATE OVERVIEW
 - Overview
 - News Room
 - Management Team
 - Employment
- ADVERTISE
- PRODUCTS & SERVICES
- CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Conchelo Capital.